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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,096

07/28/2006

Mark Leonid Olijnyk

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09/30/2008

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EXAMINER

MULLINS, BURTON S

ART UNIT

PAPER NUMBER

2834

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,096	<b>Applicant(s)</b> OLIJNYK ET AL.	
	<b>Examiner</b> BURTON MULLINS	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 14 November 2007 has been considered by the examiner.

### ***Response to Amendment***

3. The preliminary amendment including a substitute specification and new abstract submitted 28 July 2006 have been entered. Claims 1-8 are pending. Claim 9 is cancelled.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: In claim 1, change “a” electric motor to —an— electric motor. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Keck (US 4,851,725).

Keck teaches a connector for a small electric motor, the motor having a motor body (shell) 14 with a pair of spaced apart sockets (open box-like enclosures) 69 (Fig.4) receiving and frictionally engaging spaced apart parallel electrical power supply terminals (in connector 42; Fig.4), the connector comprising: a connector body 42; a pair of spaced apart electrical terminals (in box-like extensions 76 on connector 42) extending outwards from the connector body 42 and receivable by the sockets 69 (c.5:16-18; Fig.5); and a motor body gripping portion (arm) 92 extending from the connector body 42 (Fig.4), wherein the gripping portion 92 mechanically latches to the motor body (structure 80) thereby substantially preventing relative movement between the terminals and the sockets (i.e., connector assembly 42 locked; c.5:38-57).

7. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheeran et al. (US Patent Publication 2001/0006312). Sheeran teaches a connector for a small electric motor, the motor having a motor body (housing) 20 with a pair of spaced apart sockets (not numbered, formed in terminal container 26, Figs.2&4) receiving and frictionally engaging spaced apart parallel electrical power supply terminals (in connector 52; Fig.4), the connector comprising: a connector body 52; a pair of spaced apart electrical terminals (not shown, inherent) extending outwards from the connector body 52 and receivable by the sockets (Fig.4); and a motor body

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gripping portion (not numbered, sides of connector 52; Fig.4) extending from the connector body 52, wherein the gripping portion mechanically latches to the motor body (sides of terminal container 26 which is connected to motor body 20; Fig.4) thereby substantially preventing relative movement between the terminals and the sockets.

Regarding claim 7, the connector includes a gripping portion comprising a pair of arms (not numbered, Fig.4) extending from the connector body 52, the arms resiliently displaceable away from each other to snap fit around the motor body (i.e., around protrusions on sides of terminal container 26) thereby mechanically latching the connector body to the motor body.

Regarding claim 8, while the terminals are not insert molded, process limitations in a product claim are not given patentable weight. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). See MPEP 2113.

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nesic (US Pat.Publication 2005/0040715) in view of Inaba et al. (US 5,718,596). Nesic teaches an electric motor and motor housing assembly comprising: an electric motor body 33 (Fig.3) having spaced apart sockets (power receptacle) 80 (Fig.3) for receiving and frictionally engaging spaced apart electrical power supply terminals (power prongs) 78 (Fig.5. [0029]); a housing (actuator housing) 30 supporting the motor, the housing defining an aperture (window) 54 over the sockets 80 (Fig.5); a connector (PCB) body 52 (Fig.5); and a pair of spaced apart electrical terminals (power prongs) 78 extending outwards from the connector body 52 and receivable by the sockets 80 (Figs.5&7).

Nesic teaches the connector 52 connected to the motor body 33 via sockets 80 but does not teach “a motor body gripping portion extending from the connector body, the gripping portion mechanically latched to the motor body thereby substantially preventing relative movement between the terminals and the sockets; and a pliable member mounted between the connector body and the housing, the pliable member allowing relative movement between the connector body and the housing while the motor moves relative to the housing under varying loads.”

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Inaba teaches a connector engaging structure 3 comprising a gripping portion (lock arm) 25 extending from the connector body 21 (Fig.1), the gripping portion mechanically latched to a body (an opposing connector body) 2 thereby substantially preventing relative movement between the terminals 14 and the sockets (terminal accommodating chambers) 31; and a pliable member mounted (water-proof rubber member) 29 between the connector body 21 and the housing (i.e., between arm 25 groove 15 of opposing connector body 2; Figs.2-3), the pliable member 29 allowing relative movement between the connector body and the housing while the motor moves relative to the housing under varying loads. Inaba's gripping portion provides direct engagement of the connector (c.1:5-11; c.3:10-30) and the pliable seal makes the connection water-tight, preventing electric leakage (c.6:62-67).

It would have been obvious to modify Nesic and provide a gripping portion and pliable member per Inaba to provide direct engagement of the connector and water-proofing.

Regarding claim 2, in the combination Inaba's pliable rubber member 29 defines a sealing member between the connector body and the housing of Nesic.

Regarding claim 3, motor body 33 in Nesic includes an "end bell" (i.e., end portions of motor 33; Fig.3).

Regarding claim 5, neither Nesic nor Inaba teach terminal which are insert molded; however, process limitations in a product claim are not given patentable weight. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made

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by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

See MPEP 2113.

10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keck in view of Ballard et al. (US 6,140,722). Keck substantially teaches applicant's invention including a connector body 42 with a gripping portion 92 but does not teach that "the gripping portion further comprises a pair of arms extending from the connector body, the arms resiliently displaceable away from each other to snap fit around the motor body thereby mechanically latching the connector body to the motor body."

Ballard teaches a connector (wiring harness) 210 (Fig.8) including a gripping portion comprising a pair of arms (clips) 224 extending from the connector body 210, the arms 224 resiliently displaceable away from each other to snap fit around the motor body (i.e., around ears 222 on connector box 212 attached to motor body; Figs.3&8) thereby mechanically latching the connector body to the motor body (c.8:28-31).

It would have been obvious to modify Keck and provide a gripping portion comprising a pair of arms per Ballard since this would have secured the connector to the motor body.

Regarding claim 8, while neither Keck nor Ballard teach terminals insert molded, process limitations in a product claim are not given patentable weight. "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different



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process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). See MPEP 2113.

### ***Allowable Subject Matter***

11. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The combination of Nesic and Inaba does not teach "the gripping portion further comprises a pair of arms extending from the connector body, the arms resiliently displaceable away from each other to snap fit around the end bell thereby mechanically latching the connector body to the motor body." In Nesic the connector 52 with prongs 78 is inserted into socket 80; however, the socket does not comprise an "end bell" per se and Inaba's gripping portion would not "snap fit around [an] end bell" in the combination.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BURTON MULLINS whose telephone number is (571)272-2029. The examiner can normally be reached on 9-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BURTON MULLINS/  
Primary Examiner, Art Unit 2834

bsm  
26 September 2008